

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

HUMPHRIES FITZ and PIUS JAY HUBERT,

Plaintiffs,

v.

**ISLANDS MECHANICAL CONTRACTOR,
INC.,**

Defendant.

1:08-cv-60

**TO: Lee J. Rohn, Esq.
Rachelle M. Shocklee, Esq.**

ORDER

THIS MATTER is before the Court upon Plaintiffs' Motion to Compel Defendant to Supplement Rule 26 Disclosures (Docket No. 22). Defendant filed an opposition in response to said motion, and Plaintiff filed a reply thereto.

Having reviewed the submissions of the parties and upon due consideration thereof, the Court finds that the said motion should be granted.

Despite the fact that the rule requires that parties disclose only the "subjects of [discoverable] information," Defendant's disclosure is inadequate because it does not allow Plaintiff to determine the substance of the named potential witnesses' knowledge. Defendant claims that the named individuals have or may have "information relative to

Fitz v. Islands Mechanical Contractor, Inc.

1:08-cv-60

Order

Page 2

Defendant's defenses." Opp'n, Exhibit A. However, Defendant lists seven (7) affirmative defenses, most of which are legal defenses that contain no factual allegations. Consequently, the Court finds Defendant's disclosures unduly vague and insufficient under the Rule.

Accordingly, it is now hereby **ORDERED**:

1. Plaintiff's Motion to Compel Defendant to Supplement Rule 26 Disclosures (Docket No. 22) is **GRANTED**.
2. Defendant shall supplement its Rule 26 Disclosures by more fully describing the nature and or/substance of the information possessed by the named, potential witnesses and serve such supplement upon counsel for Plaintiff on or before **December 17, 2010**.

ENTER:

Dated: December 7, 2010

/s/ George W. Cannon, Jr.
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE